

² Compact, tit. II, art. XI, § 7(g).

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 1195 as directed by Order No. 10,580. Order No. 10,735 gave respondent thirty days to verify that respondent ceased operations as of June 27, 2007. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), the verification was to be corroborated by confirmation from DC Medicaid.

Respondent did not respond to Order No. 10,735. Accordingly, Order No. 10,843 gave respondent thirty days to show cause why the Commission should not assess a civil forfeiture and revoke Certificate No. 1195.

II RESPONSE TO ORDER NO. 10,843

Respondent's president, John E. Agwaze, filed a statement on November 15, 2007, verifying that respondent ceased operating on June 27, 2007 and had not resumed operations since. Mr. Agwaze's statement is corroborated by ACS State Healthcare, DC Medicaid's agent for processing carrier invoices. Mr. Agwaze's statement, however, is silent with respect to respondent's failure to timely respond to Order No. 10,735.

III. ASSESSMENT OF FORFEITURE AND LIFTING OF SUSPENSION

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.³ Each day of the violation constitutes a separate violation.⁴

The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate.⁵

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.⁶ The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by careless disregard whether or not one has the right so to act.⁷

³ Compact, tit. II, art. XIII, § 6(f).

⁴ Compact, tit. II, art. XIII, § 6(f)(ii).

⁵ Compact, tit. II, art. XI, § 10(c).

⁶ *In re Special People Transportation, LLC*, No. MP-06-103, Order No. 10,683 (Aug. 8, 2007).

⁷ *Id.*

Respondent has offered no explanation for failing to timely respond to Order No. 10,735. Accordingly, we will assess a forfeiture of \$250.⁸

As for revocation, based on the statement of respondent's president as corroborated by DC Medicaid's claims agent, we find that respondent has shown cause for not revoking Certificate No. 1195. The Commission will issue an order lifting the suspension once respondent has paid the forfeiture, filed a new tariff,⁹ paid the \$50 tariff filing fee, filed an annual report for 2008, and paid the \$150 annual fee for 2008.

THEREFORE, IT IS ORDERED:

1. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 for knowingly and willfully violating Commission Order No. 10,735.

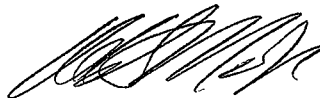
2. That within thirty days of the date of this order, respondent shall:

- (a) file a new tariff;
- (b) file an annual report for 2008;
- (c) pay the \$50 tariff filing fee;
- (d) pay the \$150 annual fee for 2008; and
- (e) pay the \$250 forfeiture.

3. That upon timely compliance with the requirements of this order, and provided respondent is in compliance with Commission Regulation No. 58, the Commission shall issue an order reinstating Certificate No. 1195.

4. That Certificate No. 1195 shall be subject to revocation pursuant to Article XI, Section 10(c) of the Compact if respondent fails to timely comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

⁸ See *id.* (assessing \$250 in part for failing to timely respond to document request).

⁹ Respondent's DC Medicaid rates are no longer valid now that the Medical Assistance Administration has assigned all transportation contracts to Medical Transportation Management, Inc.